

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

PHILIP E. POOR,

No. C 12-02206 LB

Plaintiff,

v.

MARIO BANA, et al.,

**ORDER (1) TO SHOW CAUSE AND
(2) REQUIRING COUNSEL'S IN-
PERSON APPEARANCE AT THE
JUNE 27, 2013 FURTHER CASE
MANAGEMENT CONFERENCE**

Defendants.

The court held a Further Case Management Conference in this action on March 14, 2013. 3/14/2013 Minute Order, ECF No. 28. At it, the court set another Further Case Management Conference for April 18, 2013 and ordered the parties to file a Joint Case Management Conference Statement no later than April 11, 2013. *Id.* The parties did not do so, so on April 15, 2013 the court issued an order directing Plaintiff to show cause why this action should not be dismissed for failure to prosecute and the parties' counsel to show cause why they should not be sanctioned for failing to comply with the court's order. 4/15/2013 OSC, ECF No. 29. The parties responded by describing their "efforts" to draft a joint statement, and Defendants' counsel at least apologized for the inconvenience their failure to timely file a statement caused the court. Defendants' Response, ECF No. 31; Plaintiff's Response, ECF No. 32. They still, however, did not file a joint case management conference statement, as required; Defendants filed a statement on April 15, 2013 – the day the court issued its order to show cause – while Plaintiff waited until 10:27 p.m. on April 17, 2013 – the night before the April 18, 2013 Further Case Management Conference – to file his. Defendants' CMC

1 Statement, ECF No. 30; Plaintiff's CMC Statement, ECF No. 33.

2 Despite the lack of a good reason or a persuasive excuse for the delays, the court discharged the
3 order to show cause and held the Further Case Management Conference as scheduled. 4/18/2013
4 Minute Order, ECF No. 34. At it, the court set another Further Case Management Conference for
5 June 27, 2013 and ordered the parties to file a joint case management conference statement by June
6 20, 2013. *Id.* To no one's surprise, the parties once again failed to timely file a joint case
7 management conference statement.

8 Accordingly, the court **ORDERS** Plaintiff's counsel and Defendants' counsel to show cause why
9 they should not be sanctioned for failing to comply with the court's order. Further, the court
10 **ORDERS** Plaintiff to show cause why this action should not be dismissed for failure to prosecute.
11 Plaintiff and the parties' counsel shall respond to this order to show cause in writing no later than
12 5:00 p.m. on June 24, 2013. Further, the court **ORDERS** Plaintiff's counsel Adam Wang and
13 Defendants' counsel Tyler Paetkau to appear in person at the Further Case Management Conference
14 on June 27, 2013 at 11:00 a.m.

15 **IT IS SO ORDERED.**

16 Dated: June 21, 2013



17 LAUREL BEELER
18 United States Magistrate Judge
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